

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated September 19, 2006 (Paper No. 20060911) has been received and its contents carefully reviewed.

At the outset, Applicant notes that the Examiner checked off both boxes in item 2a of the PTOL-326 indicating that the present Office Action is both Final and Non-Final. However, upon review of the Office Action, it appears to Applicant that the present Office Action is Non-Final because the Examiner did not indicate anywhere in the substance of the Office Action that the rejection is Final. Applicant further assumes that the Office Action (in response to Applicant's Request for Continued Examination of July 26, 2006) is Non-Final because the Examiner introduced a new reference (U.S. Patent No. 5,806,955 – to Parkyn, Jr. et al.) and thus a new ground of rejection. That is, the Examiner did not maintain the Examiner's previous rejection (prior to RCE) in order for a First Action Final. Accordingly, the Office Action must be Non-Final.

Applicant also respectfully notes that the Examiner indicates that the Office Action is responsive to communication of January 23, 2006. (PTOL-326 item 1). However, this probably should read "July 26, 2006" in reference to Applicant's Request for Continued Examination of July 26, 2006.

Claim 9 is hereby amended. Claims 1-8 have previously been canceled. No claims are hereby added. Accordingly, claims 9-15 remain pending. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action, claims 9, 10 and 12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2004/0022050 A1 (to Yamashita et al.)(hereinafter "Yamashita") in view of U.S. Patent No. 5,806,955 (to Parkyn, Jr. et al.)(hereinafter "Parkyn"). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yamashita in view of Parkyn and further in view of U.S. Patent No. 5,252,733 (to Norman et al.)(hereinafter "Norman"). The Examiner has indicated that claims 13-15 are allowable (Office Action at page 4). Applicant thanks the Examiner for the indication of allowable claims 13-15.

The rejection of claims 9-12 is respectfully traversed and reconsideration is requested. Claims 9-12 are allowable over the cited references in that each of these claims recite a combination of elements including, for example, “a plurality of optical fibers each optical fiber corresponding to the at least one luminous element and surrounding a circumference of the corresponding luminous element of the first and second light source units, to concentrate and to emit the light emitted from the first and second light units.” None of the cited references including Yamashita, Parkyn and Norman, singly or in any combination, teach or suggest at least this feature of the claimed invention. Applicant respectfully asserts that the Examiner has not established *prima facie* obviousness at least for the reasons that follow.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” MPEP §2142.

First, there is no suggestion or motivation in the references to combine reference teachings. In rejecting the claims in view of Parkyn, the Examiner refers to Figures 29, 32 and 34 of Parkyn. The Examiner then states that, “[i]t would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Yamashita's invention by using an individual optical fiber surrounding an LED as taught by the Parkyn reference for the motivation of providing a means to collect and employ radiant energy in a very-cost effective and efficient manner (Summary of Invention)(Office Action pages 3-4).” However, the motivation to which the Examiner refers, refers not to the limitation as cited by the Examiner, but instead refers to the incorporation of a Total Internal Reflection (TIR) lens with a waveguide.

Second, the references do not teach or suggest all the claim limitations. The Examiner implies that Yamashita fails to teach or suggest at least, “a plurality of optical fibers each optical fiber corresponding to the at least one luminous element and surrounding a circumference of the corresponding luminous element of the first and second light source units, to concentrate and to emit the light emitted from the first and second light units.” The Examiner then turns to Parkyn

to attempt to cure the deficiencies of Yamashita. Parkyn, however, only shows an individual tapered optical fiber connected with a tapered rod and light source (Figure 34). Actually, in Parkyn, the individual optical fiber is really the individual waveguide (See Col. 18, 9-16). In Parkyn, the waveguide and optical fiber are the same element and thus not separate and distinct elements. Thus, the references do not teach or suggest at least, "a plurality of optical fibers each optical fiber corresponding to the at least one luminous element and surrounding a circumference of the corresponding luminous element of the first and second light source units, to concentrate and to emit the light emitted from the first and second light units." Accordingly, claim 9 and claims 10-12, which depend either directly or indirectly upon claim 9, are allowable over the proposed combination of references.

Applicants believe the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

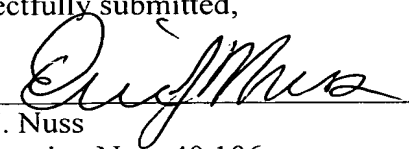
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: December 7, 2006

Respectfully submitted,

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